



THE CITY OF NEW YORK
LAW DEPARTMENT

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October 24, 2023

By ECF

Honorable Jennifer Willis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York, 10007

Re:Glenn Johnson v. City of New York, No. 23-CV-3091 (JHR) (JW)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney representing defendant City and Correction Officer McCutchen in the above-referenced matter.¹ Defendants write to respectfully request the Court compel plaintiff's response to defendant's identification interrogatory within twenty one days, and extend this Office's time to respond to the Court's Valentin Order until 30 days after those responses are received. The undersigned has met and conferred with the plaintiff the day of filing this application and the plaintiff has agreed to the application. Because of the plaintiff's incarcerated status this Office could not contact him at an earlier date.

Pro se plaintiff alleges that on or about June 1, 2022, while he was in custody of the Department of Correction at the Eric M. Taylor Center ("EMTC"), two Correction Officers failed to intervene as inmates attacked him. (See ECF Dkt. Nos. 1 at 4.) Plaintiff alleges the inmate that attacked him used a makeshift weapon to lacerate his eyelid. Id. Plaintiff asserts this action against New York City, Correction Officer McCutchen and a John Doe Correction Officer. Id. at 3. On June 26, 2023, the Court ordered the New York City Law Department to ascertain the identity, badge number, and service address of the John Doe correction officer whom plaintiff purports to bring this action against, pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997). (See ECF Dkt. No. 6 at 1-2.) On September 25, 2023, this Office requested an enlargement of time to comply with the outstanding Valentin Order, outlined the efforts taken to date to identify the John

¹ This case has been assigned to Assistant Corporation Counsel Seamus O'Connor, who is presently awaiting his results from the July 2023 New York State Bar Exam and is handling this matter under my supervision. Mr. O'Connor may be reached directly at (212) 356-2354 or by email at seoconno@law.nyc.gov.

Doe Officer, and proposed a plan to assist in complying with the Valentin Order.² (See ECF Dkt. No. 24.)

Since that time, this Office has undertaken extensive efforts to attempt to identify the John Doe to no avail. Defendants have reviewed the officer logbooks and legal schedules on the date of the incident and interviewed Officer McCutchen. Unfortunately, these steps have not revealed the John Doe officer's identity. Currently, plaintiff is the only individual with knowledge of information such as the time the incident occurred, a description of the officer, a specific location where the incident occurred, and any other information regarding the identities of the officer. Any specific details that plaintiff could share about this officer would provide substantial assistance in ascertaining the identity. Accordingly, the City respectfully requests the Court compel the plaintiff to respond to defendant's identification interrogatory within twenty one days. Once defendants are in possession of this information will we be able to continue our attempt to identify the last remaining John Doe defendant. Therefore, this Office requests that its time to comply with the Valentin Order be extended until thirty days after responses to the identification interrogatories are received.

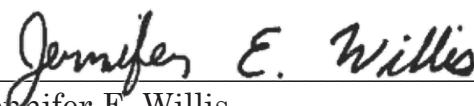
Thank you for your consideration herein.

Respectfully submitted,

/S/ Joseph Zangrilli
Joseph Zangrilli
Senior Counsel

Cc: **By U.S. Mail**
Glenn Johnson
Plaintiff *Pro Se*
Clinton Correctional Facility
P.O. Box 2000
Dannemora, NY 12929

This request is GRANTED. Plaintiff is directed to respond to Defendants' identification interrogatory by November 15, 2023. Defendants are directed to comply with the Valentin Order within 30 days of receipt of such responses. **The Clerk of the Court is respectfully requested to mail a copy of this Order to Plaintiff. SO ORDERED.**


Jennifer E. Willis
United States Magistrate Judge

October 25, 2023

² This application was this Office's second request for an enlargement of time to comply with this Order. See Docket Entry No. 15.